

Application No.: 10/780336
Amendment Dated: January 16, 2006
Reply to Office action of: November 23, 2005

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-6 and 13-29 have been allowed, and will not be discussed further hereinafter. Claims 9-11, 34, and 35 have been indicated as containing allowable subject matter.

In the present amendment, claim 7 has been amended to include the features of claim 11, and claim 11 has been cancelled. Further, claims 30-33 have been amended to further distinguish the claimed invention from the cited art, and claim 36 has been added. Reconsideration of the application in its current form is requested.

Claim 35 is objected to because of a formality related to antecedent basis in the claim. With regard to the objection of claim 35, Page 2 of the Office action indicates that the term "the seat rails" lacks clear antecedent basis. However, upon review of claim 35, no reference to "the seat rails" is made. In addition, claims 1-35 were reviewed for any use of the term "the seat rails" and no use was found that lacked antecedent basis. The applicant believes that an error may have occurred when the Office action was created.

The present invention is generally directed toward an air management system for a motorcycle having a rear mounted radiator. The air management system communicates cooling air from front and lateral portions of the motorcycle to the

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radiator, which is disposed under the motorcycle seat, preferably between the seat and the rear wheel. The air management system includes a pair of top air ducts, a middle air duct, and a rear air duct, each of which are provided to communicate cooling air to the radiator. The top air ducts also serve as a portion of the top frame structure of the motorcycle.

Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by JA 5-201,375 (hereafter "JA '375"). JA '375 discloses a radiator mounted on the support tubes of the seat rails of a motorcycle. Specifically, JA '375 includes an air guide duct that longitudinally extends between the upper side of the engine and the under side of the fuel tank to guide air to the radiator. The JA '375 air duct is separate from the frame of the motorcycle, and has an inlet spaced rearwardly from the steering head. Accordingly, JA '375 fails to disclose that the air guide duct forms a portion of the top frame of the motorcycle. Further, JA '375 fails to disclose or suggest that the air guide duct is affixed to the steering head, as required by amended claim 30.

More specifically, JA '375 fails to teach or suggest a:

frame comprising:

- a steering head;
- a pair of rear stays; and
- a top frame structure extending between and interconnecting the steering head and the rear stays, *said top frame structure comprising a pair of seat rails and a duct structure* (emphasis added)

Rather, the JA '375 reference teaches a top frame (2, 3) that is tubular or bar shaped, and in no way includes the duct (11).

Further, JA '375 fails to teach or suggest "said duct structure being *affixed to the steering head* and comprising at least one air duct for guiding cooling air to the radiator,

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said at least one air duct extending over the engine and *having an inlet located at about the steering head*" (emphasis added), as required by amended claim 30. Rather, JA '375 clearly teaches that the inlet to the duct (11) is spaced downwardly and rearwardly from the steering head, and that the duct (11) is not in any way connected to the steering head.

For at least these reasons, it is respectfully submitted that claim 30 is not anticipated by JA '375. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 7, 8, 12, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,445,598 (hereafter "Hillman") in view of JA '375. The Examiner's rejections are traversed for the following reasons.

Hillman teaches a cooling system for the engine of a motorcycle. The cooling system of Hillman includes a radiator and air passages that have forwardly facing inlet openings disposed respectively on the opposite sides of the motorcycle's front forks.

The features of claim 11, which the Examiner indicated as being allowable, have been introduced into claim 7, and claim 11 has been cancelled. Therefore, with regard to amended claim 7, Hillman fails to disclose or fairly suggest "at least one rear air duct for guiding cooling air to the radiator, said at least one rear air duct having an inlet located rearwardly of the engine and below the seat and an outlet positioned to permit exiting air to communicate with the radiator." Rather, Hillman teaches only a front air duct. As JA '375 also fails to disclose the "at least one rear air duct", it is considered apparent that the combination of Hillman with JA '375, would not result in the claimed invention. Accordingly, reconsideration and withdrawal of the rejections of claims 7, 8,

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and 12 based upon this combination of references is respectfully requested.

With regard to claims 31-33, which depend from claim 30 (discussed above), it is respectfully submitted that the combination of Hillman and JA '375 will not result in the invention defined in claim 30. The deficiencies of JA '375 have been discussed above, and will not be repeated.

Hillman also fails to disclose or suggest a:

frame comprising:
a steering head;
a pair of rear stays; and
a top frame structure extending between and interconnecting the steering head and the rear stays, *said top frame structure comprising a pair of seat rails and a duct structure* (emphasis added)

Hillman is rather vague with regard to the frame structure of the motorcycle, but it is apparent that the air duct structure of Hillman does not form a part of the frame due to its lateral location and lack of connection with any other portions of the frame at a front and rear of the motorcycle.

Further, Hillman fails to teach or suggest "said duct structure being *affixed to the steering head* and comprising at least one air duct for guiding cooling air to the radiator, said at least one air duct extending over the engine and *having an inlet located at about the steering head*" (emphasis added), as required by amended claim 30. Rather, Hillman clearly teaches that the inlet to the ducts (50, 52) is spaced relatively forward of the steering head, and there is no description in Hillman indicating that the ducts (50, 52) are affixed to the steering head. Rather, Hillman teaches that the duct inlets (70) are disposed laterally outward from the front forks (14), which would place them at some distance from the steering head.

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Since the both Hillman and JA '375 lack the same elements required by claim 30, it is considered apparent that a combination of these references will fail to teach or suggest that which is defined by claim 30. Insofar as claims 31-33 depend from claim 30, it is further considered apparent that these dependant claims are likewise allowable over the cited art. Notice to that effect is hereby requested.

Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JA '375 in view of US 6,695,088 to Schroeder (hereafter "Schroeder"). For the following reasons, the Examiner's rejections are traversed.

Schroeder teaches an air management system for a motorcycle including a first air channel and a second air channel. Specifically, Schroeder teaches that the first air channel delivers cooling air to a rear mounted radiator and the second air channel delivers air to the engine air inlets.

With regard to claim 30, from which claims 31 and 32 depend, Schroeder does not teach or suggest that the air ducts are part of the frame. More specifically, Schroeder does not teach or suggest a:

frame comprising:
a steering head;
a pair of rear stays; and
a top frame structure extending between and interconnecting the steering head and the rear stays, *said top frame structure comprising a pair of seat rails and a duct structure* (emphasis added)

Further, Schroeder does not teach or suggest "said duct structure being *affixed to the steering head* and comprising at least one air duct for guiding cooling air to the radiator, said at least one air duct extending over the engine and *having an inlet located at about the steering head*" (emphasis added). Rather, the Schroeder ducts are

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disposed forwardly of the steering head, and are in no way connected to the steering head (See Schroeder Fig. 2).

As JA '375, described previously, also fails to disclose these very same features, it is considered apparent that a combination of these references will not result in the invention defined by claim 30. Accordingly, claim 30, and claims 31-32 that depend therefrom, are not obvious in light of the combination of Schroeder and JA '375. Accordingly, reconsideration and withdrawal of the rejection of claims 31-32 based upon this combination of references is requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. HRA-14910.

Respectfully submitted,

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